

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LINDSAY KLESKO,

Plaintiff,

Case No. 12-11168

v.

MICHAEL SMITH,  
LAW OFFICE OF MICHAEL J. SMITH  
& ASSOCIATES, P.C.,

Hon. John Corbett O'Meara

Defendants.

---

**ORDER OF PARTIAL DISMISSAL**

On March 15, 2012, Plaintiff Lindsay Klesko filed her complaint alleging sexual harassment in violation of Title VII of the Civil Rights Act and the Elliott-Larsen Civil Rights Act. Plaintiff does not allege diversity jurisdiction. Although Plaintiff's Title VII claim is cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present a claim based on state law. This court declines to exercise supplemental jurisdiction over Plaintiff's state law claim so as to avoid jury confusion. See 28 U.S.C. § 1337(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Elliott-Larsen Civil Rights Act claim is DISMISSED.

s/John Corbett O'Meara  
United States District Judge

Date: April 11, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, April 11, 2012, using the ECF system.

s/William Barkholz  
Case Manager